

**Federal Defenders
OF NEW YORK, INC.**

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June 22, 2023

BY EMAIL & ECF

The Honorable Barbara Moses
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Khayyam Alexander
23 Mag. 4845 (UA)

Dear Judge Moses:

I write, as counsel for Khayyam Alexander in the above-captioned matter, to respectfully request that the Court modify Mr. Alexander's bail conditions to grant pretrial services the discretion to set his curfew hours. Pretrial services consents to this request; the government defers to pretrial services.

On June 15, 2023, Mr. Alexander was presented in Magistrate Court. Following a contested bail hearing, Judge Lehrburger set the following bail conditions:¹

\$100,000 personal recognizance bond to be co-signed by one financially responsible person, Mr. Alexander's mother; Mr. Alexander's mother to serve as his third party custodian; compliance with pretrial services supervision as directed; 6:00 pm to 6:00 am curfew enforced by a location monitoring device; maintain or seek employment; surrender all travel documents with no new applications; travel restricted to the Southern District of New York and the Eastern District of New York; comply with the conditions of New York State parole; no contact with any co-defendants outside the presence of counsel; drug

¹ Following the bail hearing, the Court denied the government's request for a stay of its ruling pending appeal to the Part 1 judge. The government then immediately appealed the Court's decision to District Court Judge Failla. Judge Failla found that the government had not met its burden of establishing that Mr. Alexander posed a serious risk of flight, and therefore denied the government's request for a detention hearing. Judge Failla did not modify the conditions of Mr. Alexander's release, instead deferring to the conditions originally set by Judge Lehrburger.

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testing and treatment as directed; and not possess personal identification information of any other person.

Mr. Alexander was released on his own signature and returned the following day to receive the location monitoring device. Yesterday, Mr. Alexander's mother was approved as a cosigner and is expected to be sworn to the bond today.

On June 20, pretrial services contacted defense counsel asking that counsel request that Mr. Alexander's curfew hours be set at the discretion of pretrial services because Mr. Alexander works construction and must often leave home before 6:00 am. After conferring with pretrial services concerning this matter, the government indicated that it defers to pretrial services.

Accordingly, I respectfully request that the Court modify Mr. Alexander's conditions of release to permit pretrial services the discretion to set his curfew hours.

Thank you for your attention to this matter.

Respectfully submitted,

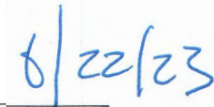
/s/

Marne L. Lenox, Esq.

Counsel for Khayyam Alexander

cc: Counsel of record
Ashley Cosme, Pretrial Services Officer

SO ORDERED:

 
THE HONORABLE BARBARA MOSES
United States Magistrate Judge